

REMARKS

1. The Examiner has rejected claims 1-9, 11-14, 17, 20-21 under 35 U. S. C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

More specifically the Examiner has indicated that in claims 1-9, 11-14, 17, and 20-21 the language appearing in brackets should not be given patentable weight. The Examiner has suggested canceling the brackets in these claims to clear up the problem.

The Examiner's point is well taken. Claims 1-9, 11-14, 17, 20-21 are amended so that the brackets in question are cancelled.

It is believed that claims 1-9, 11-14, 17, and 20-21 as amended satisfy 35 U. S. C. 112, second paragraph.

2. The Examiner has provisionally rejected claims 1-21 based on the ground of judicially created non statutory obviousness-type double patenting as being unpatentable over claims 1-15 of copending application No. 11/541,846.

The Examiner has further indicated that a timely filed terminal disclaimer in compliance with 37 C. F. R. 1.321 (c) or 1.321(d) may be used to overcome an actual rejection based on an actual or provisional type of non statutory double patenting ground provided the conflicting patent is shown to be commonly owned

with this application.

The terminal disclaimer in compliance with 37 C. F. R. 1.321(d) is submitted herewith. The terminal disclaimer also certifies that the conflicting copending application No. 11/541,846 is commonly owned with the present application by TRIMBLE NAVIGATION LTD.

3. The Examiner has rejected claims 1-21 based on the ground of judicially created non statutory obviousness-type double patenting as being unpatentable over claims 1-2, 6-7, 11, 13-15, and 44 of U. S. Patent No. 7, 116, 269.

The Examiner has further indicated that a timely filed terminal disclaimer in compliance with 37 C. F. R. 1.321 (c) or 1.321(d) may be used to overcome an actual rejection based on a actual or provisional type of non statutory double patenting ground provided the conflicting patent is shown to be commonly owned with this application.

The terminal disclaimer in compliance with 37 C. F. R. 1.321(d) is submitted herewith. The terminal disclaimer also certifies that the conflicting U. S. Patent No. 7, 116, 269 is commonly owned with the present application by TRIMBLE NAVIGATION LTD.

4. It is believed that the Examiner's rejections based on the ground of judicially created non statutory obviousness-type double patenting as being unpatentable (a)

over claims 1-15 of copending application No. 11/541,846 and (b) over claims 1-2, 6-7, 11, 13-15, and 44 of U. S. Patent No. 7, 116, 269 have been overcome and claims 1-21 are allowable.

5. Claims 1-21 are presently pending in the application and are believed to be in condition of allowance. Reconsideration of the rejections is respectfully solicited.

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Respectfully submitted,

  
Boris Tankhilevich

Patent Attorney for the Applicant.

Reg. No. 38,689.